



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # AF 2037

DATE SCANNED 11-27-09

SCANNER NO. 1

SCAN OPERATOR JmN

29092643583



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 30, 2009

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *Def for PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/SARI PICKERALL *RM*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 12 DAY PRE-GENERAL REPORT (UNAUTHORIZED QUARTERLY FILERS) AND 30 DAY POST-GENERAL REPORT (UNAUTHORIZED/AUTHORIZED FILERS) FOR THE ADMINISTRATIVE FINE PROGRAM

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 MAR 30 P 3:12

Attached are three lists of political committees and their treasurers who failed to file or timely file the 2008 12 Day Pre-General and/or the 2008 30 Day Post-General Report(s) in accordance with 2 U.S.C. 434(a). The first list is comprised of unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2008 through October 15, 2008, and failed to file or timely file the 2008 12 Day Pre-General Report. The second list is comprised of unauthorized committees that failed to file or timely file the 2008 30 Day Post-General Report. The third list is comprised of authorized committees of candidates who participated in the November 4, 2008 General Election that failed to file or timely file the 30 Day Post-General Report.

The committees appearing on the 2008 12 Day Pre-General Report list either filed the report more than five (5) days after the due date but prior to four (4) days before the 2008 General Election (considered a late filed report), or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date but within thirty (30) days of the due date (considered a late filed report),

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or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. 111.43, these committees should be assessed the civil money penalties indicated in the attachments.

As noted above, the 2008 12 Day Pre-General Report circulation list includes unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2008 through October 15, 2008, but failed to file or timely file the 2008 12 Day Pre-General Election report. In order to accurately identify these committees for administrative fine purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12G) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed General Election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30G) submitted by an unauthorized quarterly filer that covered the period from October 1, 2008 through November 24, 2008 (55 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 27% (15 days (12G Filing Period)/55 days (30G Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 12G. If the same committee also failed to file the 30G in a timely manner, we based the 30G fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the level of activity assigned to the 12G from the total amount of activity disclosed on the 30G. In this case, the committee will appear on both lists and will be assessed a fine for both the 12G and 30G based on the estimated levels of activity described above.

### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2008 PRE-GENERAL Election Sensitive 10/23/2008 UNAUTH\_Q

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1956	C00213231	A DUDA & SONS, INC. POLITICAL ACTION COMMITTEE	TRACY DUDA CHAPMAN	\$116,833	0	12/3/2008	Not Filed	\$8,250	\$600
1957	C00295097	AMERICAN IRON AND STEEL INSTITUTE POLITICAL ACTION COMMITTEE (STEEL PAC)	THOMAS GIBSON	\$251,156	0	12/4/2008	Not Filed	\$4,000	\$500
1958	C00034645	AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC)	LINDA HICKOK	\$110,237	1	11/6/2008	Not Filed	\$1,000	\$625
1959	C00211250	AON CORPORATION POLITICAL ACTION COMMITTEE	PAUL HAGY	\$615,146	0	10/31/2008	Not Filed	\$27,258	\$1,400
1960	C00249359	BAKERY CONFECTIONERY TOBACCO WKRS & GRAIN MILLERS INT'L UNION LOCAL 19 POL ORG 'BCTGM'	THOMAS EDWARD	\$129,499	0	12/18/2008	Not Filed	\$2,893	\$500

1962	C00372862	BIKES BELONG COALITION, LTD. POLITICAL ACTION COMMITTEE	GARY SJOQUIST	\$109,242	0	12/8/2008	Not Filed	\$3,010	\$500
1963	C00390583	BROWNSTEIN HYATT FARBER SCHRECK POLITICAL ACTION COMMITTEE	STEVEN DEMBY	\$309,005	0	12/4/2008	Not Filed	\$2,000	\$500
1964	C00386300	CALUMET PAC	TERRENCE BRONOWSKI	\$496,285	0	12/1/2008	Not Filed	\$14,000	\$900
1965	C00099937	COOPER INDUSTRIES POLITICAL ACTION COMMITTEE	MR. TYLER W. JOHNSON	\$314,852	0	10/30/2008	7	\$7,000	\$170

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1966	C00130187	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	JOAQUIN DEL CUETO	\$290,798	0	12/17/2008	Not Filed	\$8,829	\$600
1967	C00004952	ELECTRIC POWER ASSOCIATIONS OF MISSISSIPPI ACTION COMMITTEE FOR RURAL ELECTRIFICATION	MR. MICHAEL CALLAHAN	\$468,071	0	12/8/2008	Not Filed	\$3,000	\$500

1969	C00431981	HEMOCARE & HOSPICE PAC	RUTH L. CONSTANT	\$252,603	0	11/26/2008	Not Filed	\$6,063 (est)	\$600
1970	C00138966	INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 68 POLITICAL ACTION COMMITTEE	JOHN LOMBARDO	\$117,532	0	11/4/2008	Not Filed	\$8,500	\$600
1971	C00388462	ITC HOLDINGS CORP. PAC	ANNE JINKS	\$158,856	0	12/3/2008	Not Filed	\$2,240 (est)	\$500
1972	C00212522	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	JAMES D. MCINTIRE	\$155,917	0	1/31/2009	Not Filed	\$31,700	\$1,400

1974	C00409631	LOUISIANA REFORM PAC	JOHN C. SCHMIDT	\$405,337	0	2/27/2009	Not Filed	\$84,182	\$4,000
1975	C00272724	MAYNARD COOPER AND GALE PC PAC	EDWARD A. HOSP	\$122,266	0	12/4/2008	Not Filed	\$4,038 (est)	\$500
1976	C00421008	METAL LATHERS LOCAL 46 PAC	ROBERT LEDWITH	\$264,728	1	12/10/2008	Not Filed	\$8,138 (est)	\$750
1977	C00233304	NATIONAL ASSOCIATION OF INDUSTRIAL AND OFFICE PROPERTIES, DEVELOPMENT PAC (NAIOP-PAC)	ELIZABETH R. GREENE	\$422,814	0	12/4/2008	Not Filed	\$9,179 (est)	\$600

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1978	C00072025	NATIONAL RURAL LETTER CARRIERS' ASSOCIATION POLITICAL ACTION COMMITTEE	MR. ANTHONY VILARDO	\$2,125,755	0	11/13/2008	Not Filed	\$14,977	\$900
1979	C00167627	NORTEL POLITICAL ACTION COMMITTEE	MARY JO DORR	\$240,104	0	12/3/2008	Not Filed	\$8,869	\$600
1980	C00216754	NORTH CAROLINA FARM BUREAU FEDERATION INC POL ACT CMTE INC (AKA) NC FARM BUREAU FARMPAC	H. JULIAN PHILPOTT, JR.	\$187,936	0	12/4/2008	Not Filed	\$3,058 (est)	\$500
1981	C00134742	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	EARL F. HURD	\$102,460	0	1/7/2009	Not Filed	\$3,589 (est)	\$500
1982	C00237065	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	MR. RICHARD C. CREIGHTON	\$245,129	0	1/6/2009	Not Filed	\$2,240	\$500
1983	C00025395	PUBLIC SERVICE COMPANY OF NEW MEXICO RESPONSIBLE CITIZENS GROUP	MR. THOMAS SATEGNA	\$109,257	1	12/8/2008	Not Filed	\$2,873 (est)	\$625
1984	C00432252	REGIONS FINANCIAL CORPORATION POLITICAL ACTION COMMITTEE	VIRGINIA BEAR	\$887,679	0	12/1/2008	Not Filed	\$13,251 (est)	\$900
1985	C00174011	RETAIL, WHOLESALE & DEPARTMENT STORE UNION COMMITTEE ON POLITICAL EDUCATION (RWDSU COPE)	STUART H. APPELBAUM	\$181,673	0	11/5/2008	Not Filed	\$20,776	\$900
1986	C00220053	RICELAND FOODS, INC. PAC	BILL J. REED	\$124,465	0	12/5/2008	Not Filed	\$5,000	\$600
1987	C00428268	RIGHT TRACK PAC	HAL HYNEMAN	\$171,312	0	10/30/2008	7	\$23,013	\$220
1988	C00381459	SOCIETY FOR VASCULAR SURGERY POLITICAL ACTION COMMITTEE	REBECCA MARON	\$182,712	1	12/4/2008	Not Filed	\$3,102 (est)	\$625

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1989	C00120030	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA PAC	ELAINE TALBOTT	\$495,580	0	12/1/2008	Not Filed	\$6,250	\$600
1990	C00148155	ST. LOUISANS FOR BETTER GOVERNMENT	SHELDON SANDMEL	\$115,326	1	11/6/2008	Not Filed	\$3,049	\$625

1992	C00228296	THE ASCAP LEGISLATIVE FUND FOR THE ARTS	SUSAN BOLTERSDORF	\$294,359	0	11/4/2008	Not Filed	\$7,189	\$600
1993	C00165878	UNITED EMP PAC, CENTRAL LOUISIANA ELECTRIC CO. INC.	MELISSA LOHMAN	\$207,535	0	11/24/2008	Not Filed	\$9,137	\$600
1994	C00235036	ZURICH HOLDING COMPANY OF AMERICA COMMITTEE FOR GOOD GOVERNMENT (Z-PAC)	THOMAS A. BRADLEY	\$610,834	0	11/4/2008	Not Filed	\$8,980	\$600

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AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1995	C00010322	AMERICAN POSTAL WORKERS UNION COMMITTEE ON POLITICAL ACTION	TERRY R. STAPLETON	\$4,618,749	0	12/11/2008	7	\$467,571	\$3,900
1997	C00406405	BLOGPAC	CHRISTOPHER BOWERS	\$254,195	0	12/13/2008	9	\$60,625	\$975
1998	C00415752	BORDER HEALTH FEDERAL PAC	ERNIE PEREZ	\$802,565	0	1/29/2009	Not Filed	\$100,107	\$4,500
1999	C00165803	BUNCOMBE COUNTY REPUBLICAN PARTY	EDWARD S. OSADA	\$120,422	0	1/9/2009	Not Filed	\$6,675	\$300
2000	C00410589	CERNER CORPORATION	MARC NAUGHTON	\$263,666	0	12/26/2008	22	\$10,288	\$210
2001	C00130187	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	JOAQUIN DEL CUETO	\$325,873	0	12/10/2008	6	\$35,074	\$320
2002	C00214304	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	TEROSS W. YOUNG	\$119,775	2	1/12/2009	Not Filed	\$17,149	\$750
2004	C00362178	FAMILY-PAC FEDERAL	D. PAUL CAPRIO	\$119,333	1	12/29/2008	25	\$5,249	\$218



AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2005	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE	MARTIN MASCUILLI	\$129,868	0	1/9/2009	Not Filed	\$9,629	\$300
2006	C00276253	INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 21 PAC	JOSEPH ASHDALE	\$1,553,623	0	1/8/2009	Not Filed	\$213,959	\$6,500
2007	C00212522	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	JAMES D. MCINTIRE	\$165,194	0	1/31/2009	Not Filed	\$9,277	\$300
2008	C00001743	LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND	ANTHONY GRAFFINO	\$196,630	0	3/19/2009	Not Filed	\$10,252	\$500
2009	C00409631	LOUISIANA REFORM PAC	JOHN C. SCHMIDT	\$437,034	0	2/27/2009	Not Filed	\$31,696	\$900
2010	C00170696	MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE	DYANA L. PAPENFUS	\$132,557	0	1/6/2009	Not Filed	\$44,233	\$900
2011	C00421008	METAL LATHERS LOCAL 46 PAC	ROBERT LEDWITH	\$279,765	1	12/10/2008	6	\$15,037 (est)	\$162
2012	C00366922	METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC	RAYMOND GIMMLER	\$144,220	0	1/9/2009	Not Filed	\$11,485	\$500
2013	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE	LEIGH KEGERREIS	\$1,282,381	1	2/3/2009	Not Filed	\$18,918	\$625
2014	C00092247	NATIONAL ORGANIZATION FOR WOMEN PAC	LATIFA LYLES	\$489,092	0	12/23/2008	19	\$17,000	\$195
2015	C00452854	NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	CHARLES D. BENHAM	\$145,342	0	12/30/2009	Not Filed	\$8,713 (est)	\$300

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2016	C00362210	O'NEILL AND ASSOCIATES PAC	SUSAN WATSON	\$109,606	0	1/14/2009	Not Filed	\$11,422	\$500
2017	C00165324	PHILADELPHIA JOINT BOARD UNITE HERE TIPS	MS. MILDRED SALDANA	\$153,568	0	2/23/2009	Not Filed	\$643	\$250
2018	C00134742	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	EARL F. HURD	\$114,160	0	1/7/2009	Not Filed	\$11,699 (est)	\$500
2019	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74	VICTOR SALVATORE	\$103,604	0	1/6/2009	Not Filed	\$2,379	\$250
2020	C00143362	PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE	PHIL TRUCKS, JR.	\$259,305	2	12/30/2008	26	\$16,460	\$345
2021	C00237065	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	MR. RICHARD C. CREIGHTON	\$247,169	0	1/6/2009	Not Filed	\$2,040	\$250
2022	C00406553	PROGRESSIVE VOTERS OF AMERICA	PHILIP FIERMONTE	\$194,586	0	12/11/2008	7	\$50,021	\$825
2023	C00363812	RECREATIONAL FISHING ALLIANCE, PAC	TONI STEFANO	\$104,892	2		Not Filed	\$20,978 (est)	\$750
2024	C00153379	SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE	JOHN VINSKI	\$140,541	1	12/11/2008	7	\$13,520	\$168
2025	C00278788	SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE	WILLIAM RATHJEN	\$173,246	2	1/6/2009	Not Filed	\$12,655	\$750
2026	C00363689	TALLATCHEE CREEK INC. PAC	ELIZABETH EMBER CONATSER	\$493,267	0	1/2/2009	29	\$40,900	\$780

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AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2028	C00400135	UNITED HEALTH SERVICES PAC. INC.	CHRIS C. DOWNING	\$192,434	0	1/8/2009	Not Filed	\$19,105	\$500
2029	C00377549	USAFARMWORKERPAC	STUART J. MITCHELL	\$104,586	0	12/30/2008	26	\$864	\$155
2030	C00417063	WEST VIRGINIA REPUBLICAN PARTY, INC.	MARY V. RIGGALL	\$880,366	0	12/15/2008	11	\$27,446	\$420
2031	C00048181	WISCONSIN BANKERS ASSOCIATION (WISBANKPAC)	MRS. DEBORAH RUFER	\$241,494	0	12/10/2008	6	\$27,016	\$320

Federal Election Commission  
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2008 POST-GENERAL Not Election Sensitive 12/04/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2033	C00449876	COMMITTEE TO ELECT MARY WRIGHT	WRIGHT, MARY D.	MARY WRIGHT	\$343,017	1		Not Filed	\$57,169 (est)	\$3,375
2034	C00418293	COMMITTEE TO RE-ELECT HENRY HANK JOHNSON	JOHNSON, HENRY C. JR.	MALCOLM A. CUNNINGHAM	\$748,019	0	1/13/2009	Not Filed	\$52,265	\$2,700
2036	C00448241	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	JON P. TUDOR	\$241,978	2	12/30/2008	26	\$37,596	\$1,080
2037	C00441840	FAULK FOR CONGRESS	FAULK, JOHN M.	MARY LYNN MCKEOWN	\$129,637	0	1/7/2009	Not Filed	\$7,595	\$300
2038	C00393041	FRIENDS OF AMATA	COLEMAN, AUMUA AMATA	MICHAEL LAWRENCE USLE	\$201,698	1	12/14/2008	10	\$37,039	\$500
2039	C00446641	JACK HOOGENDYK FOR US SENATE	HOOGENDYK JR, JACK	JACK HOOGENDYK	\$602,428	0	12/12/2008	8	\$177,298	\$2,000
2040	C00317842	KILPATRICK FOR UNITED STATES CONGRESS	KILPATRICK, CAROLYN MS.	MR. CARL STAFFORD	\$2,084,372	0	12/10/2008	6	\$37,329	\$320
2041	C00449629	REED FOR US SENATE 2008 INC	REED, CHRISTOPHER	KIMBERLY REED	\$117,880	0	1/14/2009	Not Filed	\$26,742	\$900
2042	C00449231	STRATEN FOR CONGRESS INC	STRATEN, ROLAND	RICHARD HOLLAND	\$139,752	0	12/10/2008	6	\$19,399	\$130

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation – )  
2008 12 Day Pre-General )  
Report(Unauthorized Quarterly Filers) and )  
30 Day Post-General Report )  
(Unauthorized/Authorized Filers) for the )  
Administrative Fine Program (2008 Post- )  
General) (AUTH): )  
DOUG TUDOR FOR CONGRESS, and ) AF# 2036  
JON P TUDOR as treasurer; )  
FRIENDS OF AMATA, and MICHAEL ) AF# 2038  
LAWRENCE USLE as treasurer; )  
JACK HOOGENDYK FOR US SENATE, ) AF# 2039  
and JACK HOOGENDYK as treasurer; )  
  
KILPATRICK FOR UNITED STATES ) AF# 2040  
CONGRESS, and CARL STAFFORD MR. )  
as treasurer; )  
STRATEN FOR CONGRESS INC, and ) AF# 2042  
RICHARD HOLLAND as treasurer; )  
  
COMMITTEE TO ELECT MARY ) AF# 2033  
WRIGHT, and MARY WRIGHT as )  
treasurer; )  
COMMITTEE TO RE-ELECT HENRY ) AF# 2034  
HANK JOHNSON, and MALCOLM A. )  
CUNNINGHAM as treasurer; )  
FAULK FOR CONGRESS, and MARY ) AF# 2037  
LYNN MCKEOWN as treasurer; )  
REED FOR US SENATE 2008 INC, and ) AF# 2041  
KIMBERLY REED as treasurer; )

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 31, 2009 the Commission took the following actions on the Reason To Believe Recommendation – 2008 12 Day Pre-General Report (Unauthorized Quarterly Filers) and 30 Day Post-General Report (Unauthorized/Authorized Filers) for the Administrative Fine Program (2008 Post-General) (AUTH) as recommended in the Reports Analysis Division's Memorandum dated March 30, 2009, on the following committees:

AF#2036 Decided by a vote of 6-0 to: (1) find reason to believe that DOUG TUDOR FOR CONGRESS, and JON P TUDOR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2038 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF AMATA, and MICHAEL LAWRENCE USLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2039 Decided by a vote of 6-0 to: (1) find reason to believe that JACK HOOGENDYK FOR US SENATE, and JACK HOOGENDYK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2040 Decided by a vote of 6-0 to: (1) find reason to believe that KILPATRICK FOR UNITED STATES CONGRESS, and CARL STAFFORD MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2042 Decided by a vote of 6-0 to: (1) find reason to believe that STRATEN FOR CONGRESS INC, and RICHARD HOLLAND as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2033 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT MARY WRIGHT, and MARY WRIGHT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2034 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO RE-ELECT HENRY HANK JOHNSON, and MALCOLM A. CUNNINGHAM as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2037 Decided by a vote of 6-0 to: (1) find reason to believe that FAULK FOR CONGRESS, and MARY LYNN MCKEOWN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2041 Decided by a vote of 6-0 to: (1) find reason to believe that REED FOR US SENATE 2008 INC, and KIMBERLY REED as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Federal Election Commission  
Certification for Administrative Fines  
March 31, 2009

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Attest:

March 31, 2009  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

29092643598





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 6, 2009

Mary Lynn McKeown as Treasurer  
Faulk for Congress  
1701 Hermann Dr. #2206  
Houston, TX 77004

C00441840  
AF#: 2037

Dear Ms. McKeown:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled general election for which the candidate sought election. This report, covering the period through November 24, 2008, was due no later than December 4, 2008. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, it is considered not filed for the purpose of calculating the civil money penalty.

The Act was amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 31, 2009, the FEC found that there is reason to believe ("RTB") that Faulk for Congress and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 4, 2008. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$300. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment is due within forty (40) days of the finding, or by May 10, 2009, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$7,595  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

29092643599

**To Challenge the RTB Finding and/or Calculated Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 10, 2009. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly. 11 C.F.R. § 111.35(d). Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

Pursuant to the Commission's regulations, the "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

**If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge**

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Faulk for Congress and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate

29092643600

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther  
Chairman

29092643601

-----  
**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$300 for the 2008 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by May 10, 2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: Faulk for Congress

FEC ID#: C00441840

AF#: 2037

PAYMENT DUE DATE: May 10, 2009

PAYMENT AMOUNT DUE: \$300

29092643602

RECEIVED  
FEDERAL CENTER  
2009 MAY 11 A 10:05

**Faulk for Congress**  
**1701 Hermann Dr. # 2206**  
**Houston, Texas 77004**  
**832 457 6650**  
**john@faulkforcongres.org**

May 8, 2009

Federal Election Commission  
Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

C0044189  
AF#: 2037

Enclosed is my response to the subject civil money penalty.

In a telephone conversation this morning with Ms. Jill Sugarman in your office at 800 424 9530 0 1660, I was instructed to send my response via Federal Express for delivery on Monday May 11, 2009 rather than overnight Saturday delivery May 9, 2009.

Ms. Sugarman stated that no one would be in your office on Saturday to accept my response.

Kindest regards,

  
John M. Faulk

NO. C00441840

AF#:2037

Federal Election Commission ) FEDERAL ELECTION COMMISSION  
Office of Administrative Review ) Office of Administrative Review  
Petitioner, ) 999 E Street, NW  
 ) Washington, DC 20463  
vs. )  
 )  
Faulk for Congress Campaign, )  
John M. Faulk )  
and )  
Mary Lynn McKeown, Treasurer for )  
Faulk for Congress Campaign, )  
Respondent )

**RESPONDENT'S FIRST RESPONSE TO PETITIONER ORIGINAL ALLEGATIONS**

Comes now respondent, Faulk for Congress, and John M. Faulk, Candidate by and through its Treasurer, Mary Lynn Mckeown, and as and for its answer to the allegation presented by the Petitioner filed herein:

1. Petitioner in their correspondence dated April 6, 2009 alleged that the Faulk for Congress campaign was required to file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled general election for which John Faulk sought election to the House of Representatives for the Texas 18<sup>th</sup> Congressional District.

- 29092643605
2. Petitioner alleges that the 30 Day Post-General Report of Receipts and Disbursements covered the period through November 24, 2008 and was due to be filed with the Federal Election Commission no later than December 4, 2008.
  3. Respondent's response is that the statute calls for a **20 day Post-General Report** that is due no later than the 30<sup>th</sup> day after the general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election.
  4. Respondent's response asserts the Petitioner's reason to believe (RTB) finding was based on the factual error that the Faulk for Congress Committee was not required to file a **30 Day Post General Report**.
  5. Petitioner alleges that the 30 Day Post-General Report of Receipts and Disbursements covered the period through November 24, 2008 was **NOT FILED**.
  6. Respondent's response asserts that the **20 day Post-General Report** required by the statute 2 U.S.C. § 434(a) was in fact filed with the Petitioner on January 7, 2009 at 13:48 as recorded as FEC image # 29990022348. A copy of FEC image # 29990022348 of the Faulk for Congress Committee **20 day Post-General Report** is attached as Exhibit A to the Respondent's First Response.
  7. The Petitioner alleges that their RTB finding was based on the factual error. The Respondent's level of activity that was in fact reported on the **20 Day Post-General Election Report** was \$7,885.72. The Petitioner calculated/estimated the level of activity to be \$7,595.00 for the **30 Day Post General Report** based on the report not being filed. The Respondent's response is that the amount in dispute is a factual error on the Petitioner's part.

8. The Petitioner improperly calculated the civil money penalty by calculating a fine of \$300 against the Respondent based of the allegation that the report in question was not filed. In fact the report was filed.

9. The Petitioner has not complied with § 111.32 (a):

“The alleged factual and legal basis supporting the finding including the type of report that was due, the filing deadline, the actual date filed (if filed), and the number of days the report was filed late.”

A. The Petitioner has not alleged factual information regarding the report in question as to:

i. the title of the report

ii. the legal basis of the finding based on the actual date the report in question was filed

iii. and the number of days the report in question was filed late.

B. The Petitioner has not alleged factual information regarding the statement contained in the Petitioner’s correspondence dated April 6, 2009 as to the legal authority to support its statement “...this report was not filed within thirty (30) days of the due date, it is considered not filed for the purpose of calculating the civil money penalty.”

10. The Respondent believed the **20 Day Post-General Election Report** had been filed in a timely fashion. When the Respondent attempted to file the 2008 Year End Report it became evident that there were computer and/or software issues preventing the 20-Day Post General Election Report from filing correctly. After attempting unsuccessfully to discover the nature of these issues, Respondent sought assistance from the Respondent’s Information Technology vendor.

11. The Respondent filed the report in question after correcting the Respondent’s computer and software. A copy of the Respondent’s Information Technology vendor’s invoice is attached as Exhibit B to the Respondent’s First Response.




12. The Respondent pleads that if the form of their response is not in the Petitioner's required format that the proper forms and format be provided to the Respondent as soon a possible and that any deadlines or cut off dates be extend to allow the Respondent adequate time to convert their response to the Petitioner's required format and or forms.

**WHEREFORE**, Respondents, Faulk for Congress Campaign, John Faulk and Mary Lynn McKeown, Treasurer for Faulk for Congress Campaign, prays for:

That Plaintiff's reviewing officer to dismiss all allegations contained in the Plaintiff's correspondence dated April 6, 2008 and to dismiss the \$300 civil money penalty supported by the responses in **RESPONDENT'S FIRST RESPONSE TO PETITIONER ORIGINAL ALLEGATIONS.**

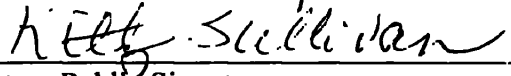
DATED: May 8, 2009

  
Signature of Faulk for Congress  
Mary Lynn McKeown Campaign  
for  
Faulk For Congress Campaign

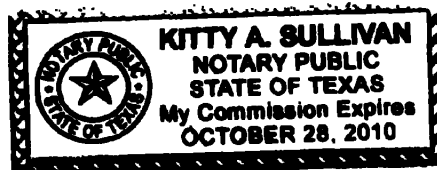
STATE OF TEXAS

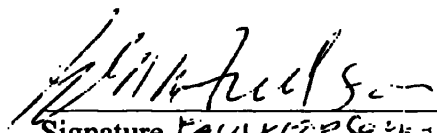
COUNTY OF HARRIS

Before me, a notary public, on this day personally appeared Mary Lynn McKeown, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this 8th day of May, 2009  
  
Notary Public Signature

DATED: May 8, 2009



  
Signature FAULK FOR CONGRESS  
John M. Faulk, Candidate  
for  
Faulk For Congress Campaign

STATE OF TEXAS

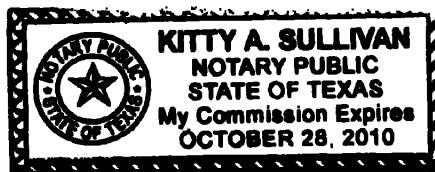
COUNTY OF HARRIS

Before me, a notary public, on this day personally appeared John M. Faulk, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this 8<sup>th</sup> day of May, 2009  
Kitty Sullivan  
Notary Public Signature

Dated this

MAY 8, 2009

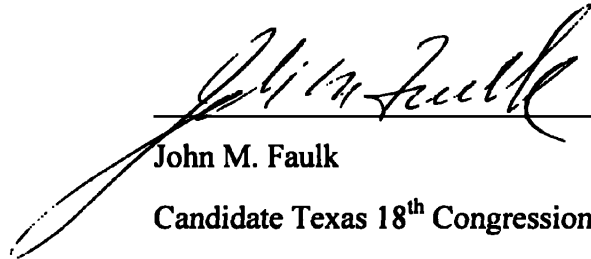


CERTIFICATE OF MAILING

I hereby certify that on this 8<sup>th</sup> day of May  
2009, I placed a true and correct copy of the foregoing **RESPONDENT'S FIRST RESPONSE**  
**TO PETITIONER ORIGINAL ALLEGATIONS** in the private delivery service of Federal  
Express, delivery prepaid, addressed to:

FEDERAL ELECTION COMMISSION  
OFFICE OF ADMINISTRATION REVIEW  
999 E STREET, NW

WASHINGTON, DC 20463



---

John M. Faulk  
Candidate Texas 18<sup>th</sup> Congressional District

29092643609

## Exhibit A to the Respondent's First Response.

01/07/2009 13:48

Image# 29990022348

C00441840 AF#: 2037

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)USE FEC MAILING LABEL  
OR TYPE OR PRINTExample: If typing, type  
over the lines

FAULK FOR CONGRESS

ADDRESS (number and street)

1701 HERMANN DR #2206

Check if different  
than previously  
reported. (ACC)

HOUSTON

TX

77004

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00441840

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

STATE DISTRICT

TX 18

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

X

General (30G)

Runoff (30R)

Special (30S)

Election on

11

04

2008

in the  
State of

TX

5. Covering Period

10

16

2008

through

11

24

2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Mary Lynn McKeown

Signature of Treasurer

Electronically Filed by Mary Lynn McKeown

Date

01

06

2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

FE5AN018

29092643610

**SUMMARY PAGE**  
of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Write or Type Committee Name

FAULK FOR CONGRESS

Report Covering the Period: From: <sup>M M</sup> 1 0 <sup>D D</sup> 1 6 <sup>Y Y Y Y</sup> 2 0 0 8 To: <sup>M M</sup> 1 1 <sup>D D</sup> 2 4 <sup>Y Y Y Y</sup> 2 0 0 8

**COLUMN A**  
This Period

**COLUMN B**  
Election Cycle-to-Date

**6. Net Contributions (other than loans)**

(a) Total Contributions (other than loans) (from Line 11(e)).....	3366.00	55133.99
(b) Total Contribution Refunds (from Line 20(d)).....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	3366.00	55133.99

**7. Net Operating Expenditures**

(a) Total Operating Expenditures (from Line 17).....	4219.72	57404.50
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	250.20
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	4219.72	57154.30

<b>8. Cash on Hand at Close of Reporting Period (from Line 27).....</b>	<b>516.39</b>
---	---------------

<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....</b>	<b>0.00</b>
--	-------------

<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....</b>	<b>5697.27</b>
---	----------------

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463  
Toll Free 800-424-9530  
Local 202-694-1100

**POST-ELECTION DETAILED  
SUMMARY PAGE**

3 / 20

FEC Form 3 (Revised 07/05)

**Report of Receipts and Disbursements**

Page 5

. If the candidate participated in the general election, use this form for the 30-day Post-General report.

. If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

FAULK FOR CONGRESS

Report Covering the Period: From: 

M	M	D	D	Y	Y	Y	Y
1	0	1	6	2	0	0	8

To: 

M	M	D	D	Y	Y	Y	Y
1	1	2	4	2	0	0	8

**I. RECEIPTS**

<b>COLUMN A</b> Total this Period	<b>COLUMN B</b> Election Cycle Total as of <table border="0"><tr><td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr><tr><td>1</td><td>1</td><td>0</td><td>4</td><td>2</td><td>0</td><td>0</td><td>8</td></tr></table> (date of general election)	M	M	D	D	Y	Y	Y	Y	1	1	0	4	2	0	0	8	<b>COLUMN C</b> Total for <table border="0"><tr><td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr><tr><td>1</td><td>1</td><td>0</td><td>5</td><td>2</td><td>0</td><td>0</td><td>8</td></tr></table> (date after general election) through <table border="0"><tr><td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr><tr><td>1</td><td>1</td><td>2</td><td>4</td><td>2</td><td>0</td><td>0</td><td>8</td></tr></table> (last day of reporting period)	M	M	D	D	Y	Y	Y	Y	1	1	0	5	2	0	0	8	M	M	D	D	Y	Y	Y	Y	1	1	2	4	2	0	0	8
M	M	D	D	Y	Y	Y	Y																																											
1	1	0	4	2	0	0	8																																											
M	M	D	D	Y	Y	Y	Y																																											
1	1	0	5	2	0	0	8																																											
M	M	D	D	Y	Y	Y	Y																																											
1	1	2	4	2	0	0	8																																											
<b>11. CONTRIBUTIONS</b> (other than loans) FROM:																																																		
(a) Individuals/Persons Other than Political Committees																																																		
(i) Itemized (Use Schedule A)																																																		
2106.00	40672.00	500.00																																																
(ii) Unitemized																																																		
1260.00	13011.99	580.00																																																
(iii) Total of contributions from individuals																																																		
3366.00	53683.99	1080.00																																																
(b) Political Party Committees																																																		
0.00	250.00	0.00																																																
(c) Other Political Committees																																																		
0.00	1200.00	0.00																																																

Image# 29990022351

FECForm 3 (Revised 1/01)

**POST-ELECTION DETAILED  
SUMMARY PAGE  
Report of Receipts and Disbursements**

4 / 20

Page 6

**COLUMN A**  
Total this Period

**COLUMN B**  
Election Cycle Total as of \*  
(date of general Election)  
(\* See page 5 for date)

**COLUMN C**  
Total for \* (date after general election)  
Through \* (last day of reporting period)  
(\* See page 5 for dates)

(d) The Candidate

0.00

0.00

0.00

(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))

3366.00

55133.99

1080.00

## 12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

0.00

0.00

0.00

## 13. LOANS:

(a) Made or Guaranteed by the Candidate

0.00

1600.00

0.00

(b) All Other Loans

10.00

710.00

0.00

(c) TOTAL LOANS (add Lines 13(a) and (b))

10.00

2310.00

0.00

## 14. OFFSETS TO OPERATING EXPENDITURES (refunds, rebates, etc)

0.00

250.20

0.00

## 15. OTHER RECEIPTS (Dividends, Interest, etc)

0.00

0.00

0.00

## 16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)

3376.00

57694.19

1080.00

Image# 29990022352

**POST ELECTION DETAILED  
SUMMARY PAGE**

5 / 20

FEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

Page 7

Write or Type Committee Name

FAULK FOR CONGRESS

Report the covering period

From:

MM  
10DD  
16YYYY  
2008

To:

MM  
11DD  
24YYYY  
2008**II. DISBURSEMENTS**

<b>COLUMN A</b> Total this period	<b>COLUMN B</b> Election Cycle Total as of * (date of general election) (* See page 5 for date)	<b>Total for *</b> Through *	<b>COLUMN C</b> (date after general election) (last day of reporting period) (* See page 5 for date)
<b>17. OPERATING EXPENDITURES</b>			
4219.72	57404.50		1353.30
<b>18. TRANSFER TO OTHER AUTHORIZED COMMITTEES</b>			
0.00	0.00		0.00
<b>19. LOAN PAYMENTS</b>			
(a) Of Loans Made or Guaranteed by the Candidate			
0.00	0.00		0.00
(b) Of All Other Loans			
0.00	0.00		0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b) )			
0.00	0.00		0.00
<b>20. REFUNDS OF CONTRIBUTIONS TO:</b>			
(a) Individuals/Persons Other Than Political Committees			
0.00	0.00		0.00
(b) Political Party Committees			
0.00	0.00		0.00



POST ELECTION DETAILED  
SUMMARY PAGE

FEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

Page 8

COLUMN A  
Total this periodCOLUMN B  
Election Cycle Total as of \*  
(date of general election)  
(\* See page 5 for date)Total for \*  
Through \*COLUMN C  
(date after general election)  
(last day of reporting period)  
(\* See page 5 for date)

(c) Other political committees (such as PACs)

0.00

0.00

0.00

(d) TOTAL CONTRIBUTION REFUNDS (See Lines 20(a), (b) and (c) )

0.00

0.00

0.00

21. OTHER DISBURSEMENTS

0.00

0.00

0.00

22. TOTAL DISBURSEMENTS (add lines 17, 18, 19(c), 20(d), and 21)

4219.72

57404.50

1353.30

## III. NET CONTRIBUTIONS (OTHER THAN LOANS)

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract line 20(d) from Line 11(e))

3366.00

55133.99

1080.00

## IV. NET OPERATING EXPENDITURES

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract line 14 from Line 17)

4219.72

57154.30

1353.30

## V. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	1360.11
24. TOTAL RECEIPTS AT THIS PERIOD (from Line 16).....	3376.00
25. SUBTOTAL(add Line 23 and Line 24) .....	4736.11
26. TOTAL DISBURSEMENTS AT THIS PERIOD (from Line 22).....	4219.72
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 26 from Line 25).....	516.39

# **SCHEDULE A (FEC Form 3 )** **ITEMIZED RECEIPTS**

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 7 / 20  
(check only one)

☒ 11a ☐ 11b ☐ 11c ☐ 11d  
12 13a 13b 14 15

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NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

ALTON T BARRETT

Mailing Address 12303 ELLA LEE LN

City

HOUSTON

State

TX

Zip Code

77077

FEC ID number of contributing  
federal political committee.

C

Name of Employer  
FIRCROFT INC

Occupation

ENGINEER

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

300.00

Date of Receipt

M M D D / Y Y Y Y  
10 17 2008

Transaction ID: SA11AI.5021

Amount of Each Receipt this Period

300.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

B.

Full Name (Last, First, Middle Initial)

LARRY E COCHRAN

Mailing Address 4444 ECK LANE

City

AUSTIN

State

TX

Zip Code

78734

FEC ID number of contributing  
federal political committee.

C

Name of Employer  
CYPRESS E&P

Occupation

GEOLOGIST

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

500.00

Date of Receipt

M M D D / Y Y Y Y  
10 16 2008

Transaction ID: SA11AI.4996

Amount of Each Receipt this Period

500.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

C.

Full Name (Last, First, Middle Initial)

Mr. John M Faulk, Sr.

Mailing Address 10415 Sagewillow Ln

City

HOUSTON

State

TX

Zip Code

77089

FEC ID number of contributing  
federal political committee.

C

Name of Employer  
Self Employed

Occupation

Accountant

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

1606.00

Date of Receipt

M M D D / Y Y Y Y  
10 16 2008

Transaction ID: SA11AI.5016

Amount of Each Receipt this Period

6.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

SUBTOTAL of Receipts This Page (optional) ▶

806.00

TOTAL This Period (last page this line number only) ▶

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER: PAGE 8 / 20  
(check only one)

X	11a	<input type="checkbox"/>	11b	<input type="checkbox"/>	11c	<input type="checkbox"/>	11d	<input type="checkbox"/>
	12	<input type="checkbox"/>	13a	<input type="checkbox"/>	13b	<input type="checkbox"/>	14	<input type="checkbox"/>
							15	<input type="checkbox"/>

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NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

John G. Killgore

Mailing Address 1223 Chamboard LN

City

Houston

State

TX

Zip Code

77018

FEC ID number of contributing  
federal political committee.

C

Name of Employer  
HOBAS PIPE

Occupation

WAREHOUSE MANAGER

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

400.00

Date of Receipt

M	M	D	D	/	Y	Y	Y	Y
1	0		1	6		2	0	8

Transaction ID: SA11AI.5013

Amount of Each Receipt this Period

100.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

B.

Full Name (Last, First, Middle Initial)

Bryan Klein

Mailing Address 701 W 43rd St

City

Houston

State

TX

Zip Code

77018

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

275.00

Date of Receipt

M	M	D	D	/	Y	Y	Y	Y
1	0		1	7		2	0	8

Transaction ID: SA11AI.5026

Amount of Each Receipt this Period

200.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

C.

Full Name (Last, First, Middle Initial)

RICHARD SCHWEER

Mailing Address 7655 ATHLONE DR

City

HOUSTON

State

TX

Zip Code

77088

FEC ID number of contributing  
federal political committee.

C

Name of Employer  
SELF

Occupation

ACCOUNTANT

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

300.00

Date of Receipt

M	M	D	D	/	Y	Y	Y	Y
1	0		1	6		2	0	8

Transaction ID: SA11AI.5002

Amount of Each Receipt this Period

300.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

SUBTOTAL of Receipts This Page (optional) ▶

600.00

TOTAL This Period (last page this line number only) ▶

29092643617

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER: PAGE 9 / 20  
(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d	<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14	<input type="checkbox"/> 15
---	------------------------------	------------------------------	------------------------------	-----------------------------	------------------------------	------------------------------	-----------------------------	-----------------------------

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NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

MARTHA LEIGH SCURLOCK

Mailing Address KISMET

City

HOUSTON

State

TX

Zip Code

77098

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

300.00

Date of Receipt

M M / D D / Y Y Y Y  
1 0 / 2 0 / 2 0 0 8

Transaction ID: SA11AI.5028

Amount of Each Receipt this Period

100.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

B.

Full Name (Last, First, Middle Initial)

MAX SCURLOCK

Mailing Address 2915 KISMET

City

HOUSTON

State

TX

Zip Code

77098

FEC ID number of contributing  
federal political committee.

C

Name of Employer  
SELF EMPLOYED

Occupation

VENDING MACHINE CO

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

300.00

Date of Receipt

M M / D D / Y Y Y Y  
1 0 / 2 0 / 2 0 0 8

Transaction ID: SA11AI.5029

Amount of Each Receipt this Period

100.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

C.

Full Name (Last, First, Middle Initial)

MICHAEL TOFTE

Mailing Address 5602 LAKE PLACE DR

City

HOUSTON

State

TX

Zip Code

77041

FEC ID number of contributing  
federal political committee.

C

Name of Employer  
ITD PRECISION

Occupation

OWNER

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

500.00

Date of Receipt

M M / D D / Y Y Y Y  
1 1 / 1 7 / 2 0 0 8

Transaction ID: SA11AI.5087

Amount of Each Receipt this Period

500.00

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

SUBTOTAL of Receipts This Page (optional) ▶

700.00

TOTAL This Period (last page this line number only) ▶

2106.00

29092643618

# **SCHEDULE A (FEC Form 3 )** **ITEMIZED RECEIPTS**

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 10 / 20  
(check only one)

11a ☐ 11b ☐ 11c ☐ 11d ☐  
 12 ☐ 13a ☒ 13b ☐ 14 ☐ 15 ☐

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NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

Mary Lynn McKeown

Mailing Address 1701 Hermann Dr  
#2206

City

Houston

State

TX

Zip Code

77004

FEC ID number of contributing  
federal political committee.

C

Name of Employer  
Richardson Barr & Co

Occupation

Accountant

Receipt For: 2008

Primary X General

Other (specify) ▼

Election Cycle-to-Date ▼

5310.00

Date of Receipt

M M / D D / Y Y  
1 0 / 1 7 / 2 0 0 8

Transaction ID: SA13B.5094

Amount of Each Receipt this Period

10.00

LOAN

Limit Increased Due to Opponent's  
Spending (2 U.S.C. 441a(i)/441a-1)

SUBTOTAL of Receipts This Page (optional) ..... ►

10.00

TOTAL This Period (last page this line number only) ..... ►

10.00

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)

PAGE 11 / 20

<input checked="" type="checkbox"/> 17	<input type="checkbox"/> 18	<input type="checkbox"/> 19a	<input type="checkbox"/> 19b
<input type="checkbox"/> 20a	<input type="checkbox"/> 20b	<input type="checkbox"/> 20c	<input type="checkbox"/> 21

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NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

AT&amp;T

Transaction ID: SB17.5066

Date of Disbursement

Mailing Address PO BOX 5001

M	M	D	D	Y	Y	Y	Y
1	0		2	0		2	0
8							

City  
CAROL STREAMState  
IL Zip Code  
60197

Amount of Each Disbursement this Period

Purpose of Disbursement  
TELEPHONE

Candidate Name

300.00

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

B.

Full Name (Last, First, Middle Initial)

SARAH BERNARD

Transaction ID: SB17.5077

Date of Disbursement

Mailing Address 2339 BOLSOVER

M	M	D	D	Y	Y	Y	Y
1	1		1	7		2	0
8							

City  
HOUSTONState  
TX Zip Code  
77005

Amount of Each Disbursement this Period

Purpose of Disbursement  
FUNDRAISER

Candidate Name

590.00

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

C.

Full Name (Last, First, Middle Initial)

COMMERCIAL BUSINESS SERVICES INC

Transaction ID: SB17.5050

Date of Disbursement

Mailing Address 1111 ADKINS

M	M	D	D	Y	Y	Y	Y
1	0		2	1		2	0
8							

City  
HOUSTONState  
TX Zip Code  
77055

Amount of Each Disbursement this Period

Purpose of Disbursement  
PRINTING

Candidate Name

192.02

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

SUBTOTAL of Disbursements This Page (optional) ▶

1082.02

TOTAL This Period (last page this line number only) ▶

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)

PAGE 12 / 20

<input checked="" type="checkbox"/> 17	<input type="checkbox"/> 18	<input type="checkbox"/> 19a	<input type="checkbox"/> 19b
<input type="checkbox"/> 20a	<input type="checkbox"/> 20b	<input type="checkbox"/> 20c	<input type="checkbox"/> 21

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NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

**A. COMMERCIAL BUSINESS SERVICES INC**

Full Name (Last, First, Middle Initial)

Transaction ID: SB17.5051

Date of Disbursement

Mailing Address 1111 ADKINS

M	M	D	D	Y	Y	Y	Y
1	0		2	1		2	0
							8

City  
HOUSTONState  
TXZip Code  
77055

Amount of Each Disbursement this Period

Purpose of Disbursement

81.19

Candidate Name

Category/  
TypeRefund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

**B. COMMERCIAL BUSINESS SERVICES INC**

Full Name (Last, First, Middle Initial)

Transaction ID: SB17.5054

Date of Disbursement

Mailing Address 1111 ADKINS

M	M	D	D	Y	Y	Y	Y
1	0		3	1		2	0
							8

City  
HOUSTONState  
TXZip Code  
77055

Amount of Each Disbursement this Period

Purpose of Disbursement

162.38

SIGNS

Candidate Name

Category/  
TypeRefund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

**C. Constant Contact**

Full Name (Last, First, Middle Initial)

Transaction ID: SB17.5065

Date of Disbursement

Mailing Address 1601 Trapelo Rd  
#329

M	M	D	D	Y	Y	Y	Y
1	0		3	1		2	0
							8

City  
WalthamState  
MAZip Code  
02451

Amount of Each Disbursement this Period

Purpose of Disbursement

37.19

INTERNET

Candidate Name

Category/  
TypeRefund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

SUBTOTAL of Disbursements This Page (optional) ▶

280.76

TOTAL This Period (last page this line number only) ▶

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)

PAGE 13 / 20

<input checked="" type="checkbox"/>	17	<input type="checkbox"/>	18	<input type="checkbox"/>	19a	<input type="checkbox"/>	19b
<input type="checkbox"/>	20a	<input type="checkbox"/>	20b	<input type="checkbox"/>	20c	<input type="checkbox"/>	21

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NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

Mountain Eagle Marketing

Transaction ID: SB17.5110

Date of Disbursement

Mailing Address PO BOX 338

10 / 16 / 2008

City  
DOBBINState  
TXZip Code  
77333

Amount of Each Disbursement this Period

Purpose of Disbursement

200.00

Candidate Name

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For:  
Primary General  
Other (specify) ▼

State: District:

Category/  
Type

B.

Full Name (Last, First, Middle Initial)

SAMBUCCA'S

Transaction ID: SB17.5111

Date of Disbursement

Mailing Address 909 TEXAS

10 / 31 / 2008

City  
HOUSTONState  
TXZip Code  
77009

Amount of Each Disbursement this Period

Purpose of Disbursement

694.24

FUNDRAISER

Candidate Name

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

Category/  
Type

C.

Full Name (Last, First, Middle Initial)

SAMBUCCA'S

Transaction ID: SB17.5104

Date of Disbursement

Mailing Address 909 TEXAS

11 / 05 / 2008

City  
HOUSTONState  
TXZip Code  
77009

Amount of Each Disbursement this Period

Purpose of Disbursement

535.31

ELECTION RETURN PARTY

Candidate Name

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Office Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

Category/  
Type

SUBTOTAL of Disbursements This Page (optional) ▶

1429.55

TOTAL This Period (last page this line number only) ▶

29092643622



**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)

PAGE 14 / 20

<input checked="" type="checkbox"/>	17	<input type="checkbox"/>	18	<input type="checkbox"/>	19a	<input type="checkbox"/>	19b
<input type="checkbox"/>	20a	<input type="checkbox"/>	20b	<input type="checkbox"/>	20c	<input type="checkbox"/>	21

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NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

VERIZON

Transaction ID: SB17.5055

Date of Disbursement

Mailing Address PO BOX 66010

M	M	D	D	Y	Y	Y	Y
1	0	2	7	2	0	0	8

City  
DALLASState  
TXZip Code  
75266

Amount of Each Disbursement this Period

Purpose of Disbursement  
TELEPHONE

578.23

Candidate Name

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53Category/  
TypeOffice Sought: House  
Senate  
PresidentDisbursement For: 2008  
Primary X General  
Other (specify) ▼

State: District:

SUBTOTAL of Disbursements This Page (optional) ▶

578.23

TOTAL This Period (last page this line number only) ▶

3370.56

**SCHEDULE C (FEC Form 3)**

PAGE 15 / 20

**LOANS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)☒ 13a  
☐ 13bNAME OF COMMITTEE (In Full)  
FAULK FOR CONGRESS

Transaction ID: SC/10.4187

LOAN SOURCE Full Name (Last, First, Middle Initial)  
Mr. John M Faulk, Sr. - [PERSONAL FUNDS]

Election:

☒ Primary☐ General☐ Other (specify) ▼

Mailing Address 10415 Sagewillow Ln

City HOUSTON

State TX

ZIP Code 77089

Original Amount of Loan

Cumulative Payment To Date

Balance Outstanding at Close of This Period

1000.00

0.00

1000.00

**TERMS**

Date Incurred

Date Due

Interest Rate

Secured:

M M  
1 1D D  
0 1Y Y Y Y  
2 0 0 7

on demand

5.00

% (apr)

☐ Yes ☒ No

List All Endorsers or Guarantors (if any) to Loan Source

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

SUBTOTALS This Period This Page (optional) 1000.00

TOTALS This Period (last page in this line only) .00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

29092643624

**SCHEDULE C (FEC Form 3)**

PAGE 16 / 20

**LOANS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)☒ 13a  
☐ 13b

NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

Transaction ID: SC/10.4748

LOAN SOURCE Full Name (Last, First, Middle Initial)  
Mr. John M Faulk, Sr. - [PERSONAL FUNDS]

Election:

☐ Primary☒ General☐ Other (specify) ▼

Mailing Address 10415 Sagewillow Ln

City HOUSTON

State TX

ZIP Code 77089

Original Amount of Loan

600.00

Cumulative Payment To Date

0.00

Balance Outstanding at Close of This Period

600.00

**TERMS**

Date Incurred

Date Due

Interest Rate

Secured:

M M

D D

Y Y Y Y

ON DEMAND

5.00

% (apr)

☐ Yes☒ No

List All Endorsers or Guarantors (if any) to Loan Source

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

SUBTOTALS This Period This Page (optional) ▶

600.00

TOTALS This Period (last page in this line only) ▶

.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

29092643625

**SCHEDULE C (FEC Form 3)****LOANS**Use separate schedule(s)  
for each category of the  
Detailed Summary Page

PAGE 17 / 20

FOR LINE NUMBER:  
(check only one)
☐ 13a  
☒ 13b

NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

Transaction ID: SC/10.4751

**LOAN SOURCE** Full Name (Last, First, Middle Initial)  
 Mary Lynn McKeown

Election:

☐ Primary☒ General☐ Other (specify) ▼
 Mailing Address 1701 Hermann Dr  
 #2206

City Houston

State TX

ZIP Code

77004

Original Amount of Loan

100.00

Cumulative Payment To Date

0.00

Balance Outstanding at Close of This Period

100.00

**TERMS**

Date Incurred

Date Due

Interest Rate

Secured:

M M  
0 7D D  
0 1Y Y Y Y  
2 0 0 8

ON DEMAND

5.00

% (apr)

☐ Yes ☒ No

List All Endorsers or Guarantors (if any) to Loan Source

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

 Amount  
 Guaranteed  
 Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

 Amount  
 Guaranteed  
 Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

 Amount  
 Guaranteed  
 Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

 Amount  
 Guaranteed  
 Outstanding:

SUBTOTALS This Period This Page (optional) ►

100.00

TOTALS This Period (last page in this line only) ►

.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

29092643626

**SCHEDULE C (FEC Form 3)**

PAGE 18 / 20

**LOANS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)☐ 13a  
☒ 13bNAME OF COMMITTEE (In Full)  
FAULK FOR CONGRESS

Transaction ID: SC/10.4749

LOAN SOURCE Full Name (Last, First, Middle Initial)  
Mary Lynn McKeown

Election:

Primary

☒ General

Other (specify) ▼

Mailing Address 1701 Hermann Dr  
#2206

City Houston

State TX

ZIP Code 77004

Original Amount of Loan

Cumulative Payment To Date

Balance Outstanding at Close of This Period

600.00

0.00

600.00

**TERMS**

Date Incurred

Date Due

Interest Rate

Secured:

M M  
09D D  
02Y Y Y Y  
2008

ON DEMAND

0.0000

% (apr)

Yes ☒ No

List All Endorsers or Guarantors (if any) to Loan Source

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

SUBTOTALS This Period This Page (optional) ▶

600.00

TOTALS This Period (last page in this line only) ▶

.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

29092643627

**SCHEDULE C (FEC Form 3)**

PAGE 19 / 20

**LOANS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER:  
(check only one)☐ 13a  
☒ 13bNAME OF COMMITTEE (In Full)  
FAULK FOR CONGRESS

Transaction ID: SC/10.5094

LOAN SOURCE Full Name (Last, First, Middle Initial)  
Mary Lynn McKeown

Election:

☐ Primary☒ General☐ Other (specify) ▼Mailing Address 1701 Hermann Dr  
#2206

City Houston

State TX

ZIP Code

77004

Original Amount of Loan

10.00

Cumulative Payment To Date

0.00

Balance Outstanding at Close of This Period

10.00

**TERMS**

Date Incurred

Date Due

Interest Rate

Secured:

M M  
1 0D D  
1 7Y Y Y Y  
2 0 0 8

ON DEMAND

5.00

% (apr)

☐ Yes ☒ No

List All Endorsers or Guarantors (if any) to Loan Source

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount  
Guaranteed  
Outstanding:

SUBTOTALS This Period This Page (optional) 10.00

TOTALS This Period (last page in this line only) 2310.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

**SCHEDULE D (FEC Form 3)****DEBTS AND OBLIGATIONS****Excluding Loans**

NAME OF COMMITTEE (In Full)

FAULK FOR CONGRESS

(Use separate  
schedule(s)  
for each  
numbered line)

PAGE 20 / 20

FOR LINE NUMBER:  
(check only one)9  
X 10A. Full Name (Last, First, Middle Initial) of Debtor or Creditor  
Mr. John M Faulk, Sr.Nature of Debt (Purpose):  
MILEAGE, PARKING, TOLLS

Mailing Address 10415 Sagewillow Ln

City  
HOUSTONState  
TXZIP Code  
77089

Outstanding Balance Beginning This Period

3387.27

Transaction ID: SD-0.4848

Amount Incurred This Period

0.00

Payment This Period

0.00

Outstanding Balance at Close of This Period

3387.27

1) SUBTOTALS This Period This Page (optional).....	▶	3387.27
2) TOTALS This Period (last page this line number only).....	▶	3387.27
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only).....	▶	2310.00
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only)	▶	5697.27

29092643629

EXHIBIT B TO RESPONDENT'S FIRST RESPONSE TO PETITIONER'S  
ORIGINAL ALLEGATIONS

No. C00441040 AF #2037

Lighthouse Consultants  
1050 North Post Oak Road  
Suite 240  
Houston, TX 77055  
713-529-6789



Invoice Time Detail

Invoice Number: 109464

Date: 1/7/2009 Work Type: Client - On-Site

Date	Staff	Notes	Bill	Hours
1/7/2009	Martinez, J	<p><b>Service Ticket: 15324</b></p> <p><b>Summary:</b> Configure Blackberry &amp; Printer</p> <p><b>Address:</b> Main Office, 4400 Post Oak Pkwy, Suite 2360, Houston, TX, 77027</p> <p>Setup new HP OfficeJet 4680 Printer for Mr Richardson. - Setup local printer and installed software, shared printer out so Marylynn could print from her PC, configured Fax and Scanner on Officejet. Office does not have an analog line for Fax, we talked with phone personnel and he told Marylynn that building management would need to get new phone line put in. I verified printer and scanner were working, I setup shared printer on Marylynn's PC and verified it was working.</p> <p>I worked on document transmit issue Marylynn was having on her laptop: troubleshooted problem and worked with tech to try and resolve: turned off laptop firewalls and checked application connection settings: all looked OK. We fixed the connection issue and Marylynn was able to successfully send the file over the internet using TCP/IP.</p> <p>Mr. Richardson is not in the office today and he has his blackberry, we will need to reschedule the setup of his device.</p>	Y	1.75

FEC ISSUE

12:00 PM - 1:40 PM

Invoice Time Total:

Billable Hours:

1.75





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

May 13, 2009


Mary Lynn McKeown, as Treasurer  
Faulk for Congress  
1701 Hermann Dr. #2206  
Houston, TX 77004

C00441840  
AF# 2037

Dear Ms. McKeown:

On May 11, 2009, the Commission received a written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding this challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

  
Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

cc: John M. Faulk

29092643631

**Date:** May 13, 2009

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#:** 2037

**Committee Name:** Faulk for Congress

**Committee ID#:** C00441840

**Committee Address (if different than in RTB letter):** N/A

**Treasurer Name (if different than in RTB finding):** N/A

**Attachments:**

**Copy of RTB Circulation Report, dated March 30, 2009 and RTB Certification, dated March 31, 2009: Previously Forwarded**

**Attachment #:** N/A

**Certified Return Receipt (to be forwarded at later date if not yet received)(Y/N):** Y

**Attachment #:** 1

**Other Relevant Telecoms (Y/N):** N

**Attachment #:** N/A

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N):** N

**Attachment #:** N/A

**RAD Staff Declaration (Y/N):** Y

**-2008 Post-General Report Prior Notice, dated September 29, 2008.**

**-Non-Filer Letter, dated December 23, 2008.**

**-RTB Letter, dated April 6, 2009.**

**Attachment #:** 3

**Other RAD Information: (Y/N):** N

**Attachment#:** N/A

29092643632

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul> Article Addressed to:  Mary Lynn Mckeown Faulk For Congress 1701 Hermann Dr. #2206 Houston, TX 77004	A. Signature  X <i>Jerry Harris</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) <i>Jerry Harris</i>	C. Date of Delivery <i>4-1-04</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

Article Number  
(Transfer from service label)  
**7008 2810 0001 2225 7478**


Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

2909264363

## DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Faulk for Congress:
  - A) Prior Notice, dated September 29, 2008, referencing the 2008 30 Day Post-General Report (sent via electronic mail to: faulkforcongress@hal-pc.org);
  - B) Non-Filer Letter, dated December 23, 2008, referencing the 2008 30 Day Post-General Report;
  - C) Reason-to-Believe Letter, dated April 6, 2009, referencing the 2008 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Faulk for Congress with the Commission on January 7, 2009.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided.

This declaration was executed at Washington, D.C. on the 13<sup>th</sup> day of May, 2009.

  
Nataliya Ioffe  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission

29092643634



# GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 29, 2008

## CURRENT REPORT DUE FOR 2008 GENERAL ELECTION CANDIDATE COMMITTEES

### REPORTING DATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
48 Hour Notices	10/16/08 - 11/01/08	---see p. 4 of notice---	
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08

### PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2008 Record, which can be found on the FEC web site at [www.fec.gov/pdf/record/2008/jan08.pdf](http://www.fec.gov/pdf/record/2008/jan08.pdf)

Supplemental Filing Information is available on pages 3 and 4 of this notice.

<sup>1</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

## REPORTING SCHEDULE FOR REMAINDER OF 2008

### I. 2008 GENERAL ELECTION CANDIDATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 <sup>2</sup>

### II. UNSUCCESSFUL 2008 PRIMARY ELECTION CAMPAIGN COMMITTEES AND CANDIDATES NOT ACTIVE IN 2008 ELECTIONS

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	10/01/08 - 12/31/08	01/31/09	01/31/09 <sup>2</sup>

Supplemental Filing Information is available on pages 3 and 4 of this notice.

<sup>1</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup>Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

## SUPPLEMENTAL FILING INFORMATION

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of all 2008 general election congressional candidates<sup>3</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Pre- and Post-General Election Reports.<sup>4</sup>

Campaigns that raise or spend more than \$5,000 for the 2008 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2008, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at [www.fec.gov/elecfil/electron.shtml](http://www.fec.gov/elecfil/electron.shtml).

Under the Commission's mandatory electronic filing regulations, U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports and statements with the FEC electronically. Other U.S. House committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules. U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

#### Registered & Certified Mail

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

#### Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

<sup>3</sup>Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>4</sup>If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

### Other Means of Filing

Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for Senate committees, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Forms are available for downloading and printing at the FEC website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

### 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of October 16 through November 1, 2008.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at [www.fec.gov/electfil/online.shtml](http://www.fec.gov/electfil/online.shtml). U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the FEC web site at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

### COMPLIANCE

**Treasurer Responsibility.** Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at [www.fec.gov/law/policy/2004/notice2004-20.pdf](http://www.fec.gov/law/policy/2004/notice2004-20.pdf).

**Administrative Fine Program.** Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).<sup>5</sup> For additional information, visit the FEC website at [www.fec.gov/af/af.shtml](http://www.fec.gov/af/af.shtml).

**Report Format.** In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

**Electronic Filers Must File Electronically.** Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

### IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>6</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

<sup>5</sup>Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

<sup>6</sup>Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more on filing reports via US mail.

**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 23, 2008

RQ-7

MARY LYNN MCKEOWN, TREASURER  
FAULK FOR CONGRESS  
1701 HERMANN DR #2206  
HOUSTON, TX 77004

IDENTIFICATION NUMBER: C00441840

REFERENCE: POST-GENERAL REPORT 10/16/2008 - 11/24/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510, FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT [WWW.FEC.GOV](http://WWW.FEC.GOV).

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

PATRICIA CARMONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

2803999623992643639



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 JUL -7 A 10:04

July 6, 2009

**MEMORANDUM**

**SENSITIVE**

To: The Commission

Through: Robert A. Hickey . 6 Jul 09  
Staff Director

From: John D. Gibson  
Chief Compliance Officer

Shawn Woodhead Wert  
Reviewing Officer  
Office of Administrative Review

By: Jill I. Sugarman  
Reviewing Analyst

Subject: Reviewing Officer Recommendation in AF# 2037 - Faulk for  
Congress and Mary Lynn McKeown, as Treasurer (C00441840)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

29092643640



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 6, 2009

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2037 -- Faulk for Congress and Mary Lynn McKeown, as Treasurer (C00441840)

On March 31, 2009, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 30 Day Post-General Report, and made a preliminary determination that the civil money penalty was \$300 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified of the Commission's finding and RTB civil money penalty by the Reports Analysis Division ("RAD") on April 6, 2009.

**Respondents' Response**

On May 11, 2009, the Commission received the written response ("challenge"), in the form of an affidavit, from the Treasurer and the Candidate, John Faulk. They contend that the RTB finding was based on factual error for these reasons:

1. They were not required to file the 30 Day Post-General Report. The statute calls for a 20 Day Post-General Report that is due no later than the 30<sup>th</sup> day after the general election in which the candidate has sought election and shall be complete as of the 20<sup>th</sup> day after the general election;
2. The Commission asserts that the report was not filed, but the 20 Day Post-General Report was filed on January 7, 2009 and recorded as FEC Image #29990022348; and
3. The Commission incorrectly calculated the level of activity to be \$7,595 based on the report not being filed. The level of activity on the 20 Day Post-General Report was \$7,885.72.

They believed that the report was filed timely, but when they tried to file the 2008 Year End Report, they discovered computer and/or software issues that had prevented the 20 Day Post-General Report from filing correctly. They attempted to fix these issues, were unsuccessful, and sought help from their Information Technology vendor. The report was filed after these issues were corrected. Included at Exhibit A is the 20 Day Post-General Report filed on January 7, 2009. Exhibit B is an invoice from Lighthouse Consultants dated January 7, 2009; one paragraph is circled and labeled "FEC Issue."

**Analysis**

The 30 Day Post-General Report was filed on January 7, 2009, 34 days late.

The Federal Election Campaign Act ("Act") requires that post-general reports must be filed by the treasurer of a principal campaign committee no later than the 30th day after any general election in which the candidate has sought election and shall be complete as of the 20th day after the general election. 2 U.S.C. § 434(a)(2)(A)(ii) and 11 C.F.R. § 104.5(a)(2)(ii). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 104.5(c) and 100.19(c). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

29092643641

29092643642

The respondents take issue with the name used in the RTB letter for the Post-General Report and believe that the Commission made a factual error by calling it the 30 Day Post-General Report. They contend that the statute requires that the report name's prefix be the date when the reporting period ends (20 days after the General Election) instead of the prefix for when the report is due (30 days after the General Election). The statute is silent as to which prefix to use and simply calls it the post-general election report. The Commission uses the "30 Day" prefix based on when the report is due. Regardless of which prefix is used to describe the report -- 20 Day or 30 Day - the respondents acknowledge that the statute states that this report shall be complete as of 20 days after this Election (November 24) and is due no later than 30 days after the General Election (December 4).

The respondents refute the RTB letter because it states that the report was not filed. Four criteria are used to calculate civil money penalties, one of which is whether the report is considered filed late or not filed. Page 1 of the RTB letter explains that the 30 Day Post-General Report is a non-election sensitive report and if a non-election sensitive report is filed more than 30 days after its due date, it is considered to be not filed. In this case, the 30 Day Post-General Report was filed 34 days after the due date; thus, it is considered "not filed" under the administrative fine regulations for purpose of the civil money penalty calculation. 11 C.F.R. §§ 111.43(a)(2), (d) and (e).

The challenge asserts that the level of activity is \$7,885.72, not \$7,595 as cited in the RTB letter. Under the administrative fine regulations, the level of activity is defined as total receipts plus total disbursements on the late report. The 30 Day Post-General Report filed on January 7, 2009 discloses total receipts of \$3,376 and total disbursements of \$4,219. Based on the actual level of activity (\$7,595) for a non-election sensitive report that is considered not filed for respondents with no prior violations, the amount of the civil money penalty is  $\$300 \times [1 + (.25 \times 0)]$  or \$300. 11 C.F.R. § 111.43(a)(2)(iii). It is unclear why the respondents believe the level of activity is \$7,885.72.

The respondents were notified on three occasions, once before the due date and twice after the due date, that they must file this report. On September 29, 2008, the Report Notice which references the Post-General Report was sent via email to [faulkforcongress@hal-pc.org](mailto:faulkforcongress@hal-pc.org), the email address disclosed on their Statement of Organization. On December 5, 2008, one day after the deadline, the Electronic Filing Office ("EFO") sent an email notification to [cavemc@aol.com](mailto:cavemc@aol.com) stating that they failed to file the report. They were notified again when RAD sent the non-filer letter on December 23.

RAD's telecoms (written records of telephone conversations) show three contacts between the respondents and Analysts concerning the 30 Day Post-General Report. On January 2, 2009, the Candidate told Rebecca Hough that they received an error message stating that they cannot upload an amended report without an original report. Ms. Hough offered to help him, but he said he did not have access to the software. The Treasurer called Michelle Grant on January 6 and 7. She thought that the report had been filed, said she is trying to file it now but is unable to do so because of the error message. On both occasions, Ms. Grant transferred her to the EFO for further assistance.

According to the EFO logs, the Treasurer spoke with Sebene Smith on January 6 for help with the error message "you cannot amend new report." Ms. Smith helped the Treasurer resolve the issue, but she then received a different error message. Ms. Smith advised her to use the alternative internet address and port for the electronic filing system, Secure Socket

Layer ("SSL") to upload the report. When the SSL attempt to upload the report failed, Ms. Smith told her to disable her laptop firewall. The next day, Ms. Smith received a call from Joe, an information technology representative who was assisting the Treasurer with her connection problems. Ms. Smith had Joe check the filing software's upload settings and confirm internet connectivity. Joe said that the laptop could not connect to the internet and told Ms. Smith he would call back if he needed more help. The report was filed later that day.

The Information Technology Division Manager confirms in his response that the subsequent transmission problems, the second error message, resulted from the Treasurer's laptop firewall and internet connectivity issues. Once the firewall was disabled and internet connectivity restored, the report was filed. This is also supported by the Exhibit B of the challenge which shows that Lighthouse Consultants worked with the respondents on January 7, and "turned off laptop firewalls and checked application connection settings." It also states that "[w]e fixed the connection issue and Marylynn was able to successfully send the file over the internet using TCP/IP." Thus, the problems were caused by the respondents' computer and their failure to use the software properly and were not the fault of the Commission's computers or FECFile software.

Their challenge fails to address any of the three valid excuses at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Committee computer problems, failure to use filing software properly and negligence are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$300.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2037 involving Faulk for Congress and Mary Lynn McKeown, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2037 that Faulk for Congress and Mary Lynn McKeown, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$300; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

#### **Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

**DECLARATION OF JILL I. SUGARMAN**

- 29092643644
- 1) I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
  - 2) The 2008 30 Day Post-General Report is due December 4, 2008. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 4 to be timely filed.
  - 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
    - (a) Page 1 of the Statement of Organization filed by Faulk for Congress and Mary Lynn McKeown, as Treasurer. According to the Commission's records, the document is dated December 2, 2007, and lists "Faulkforcongress@hal-pc.org" as the Committee's email address; and
    - (b) Page 1 of the Summary Page and Page 8 of the Post Election Detailed Summary Page for the 2008 30 Day Post-General Report electronically filed by Faulk for Congress and Mary Lynn McKeown, as Treasurer. According to the Commission's records, the report covers the period from October 16 through November 24, 2008, and was received on January 7, 2009. Lines 24 and 26 list \$3,376.00 in total receipts and \$4,219.72 in total disbursements, respectively, for the reporting period.
  - 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 6<sup>th</sup> of July, 2009.



Jill I. Sugarman  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

FEC  
FORM 1

STATEMENT OF  
ORGANIZATION

Office Use Only

1. NAME OF  
COMMITTEE (in full)

(Check if name  
is changed)

Example: If typing, type  
over the lines.

12PB4M5

Faulk for Congress

ADDRESS (number and street)

1701 Hermann Dr #2206

(Check if address  
is changed)

Houston

TX

77004

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

Faulkforcongress@hal-pc.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

Faulkforcongress.org FAULKFORCONGRESS.ORG

COMMITTEE'S FAX NUMBER

- -

2. DATE

12 02 2007

3. FEC IDENTIFICATION NUMBER ►

C

4. IS THIS STATEMENT

N

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Mary Lynn McKeown

Signature of Treasurer

Mary Lynn McKeown

Date

12 02 2007

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9595  
Local 202-694-1100

FEC FORM 1  
(Revised 03/2003)

FED-1002.PDF

29092643645

27039571425

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)USE FEC MAILING LABEL  
OR TYPE OR PRINTExample: If typing, type  
over the lines

FAULK FOR CONGRESS

ADDRESS (number and street)

1701 HERMANN DR #2206

Check if different  
than previously  
reported. (ACC)

HOUSTON

TX

77004

2. FEC IDENTIFICATION NUMBER

C00441840

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS  
REPORT X NEW  
(N) ORAMENDED  
(A)

TX 18

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

X General (30G)

Runoff (30R)

Special (30S)

Election on

11

04

2008

in the  
State of

TX

5 Covering Period

10

16

2008

through

11

24

2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Mary Lynn McKeown

Signature of Treasurer

Electronically Filed by Mary Lynn McKeown

Date

01

06

2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

FE5AN018

29092643648



**POST ELECTION DETAILED  
SUMMARY PAGE**

FEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

Page 8

COLUMN A Total this period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * Through * (date after general election) (last day of reporting period) (* See page 5 for date)
(c) Other political committees (such as PACs)		
0.00	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (See Lines 20(a), (b) and (c) )		
0.00	0.00	0.00
21. OTHER DISBURSEMENTS		
0.00	0.00	0.00
22 TOTAL DISBURSEMENTS (add lines 17, 18, 19(c), 20(d), and 21)		
4219.72	57404.50	1353.30
<b>III. NET CONTRIBUTIONS (OTHER THAN LOANS)</b>		
(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract line 20(d) from Line 11(e))		
3366.00	55133.99	1080.00
<b>IV. NET OPERATING EXPENDITURES</b>		
(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract line 14 from Line 17)		
4219.72	57154.30	1353.30
<b>V. CASH SUMMARY</b>		
23. CASH ON HAND AT BEGINING OF REPORTING PERIOD .....		1360.11
24. TOTAL RECEIPTS AT THIS PERIOD (from Line 16).....		3376.00
25. SUBTOTAL(add Line 23 and Line 24) .....		4736.11
26. TOTAL DISBURSEMENTS AT THIS PERIOD (from Line 22).....		4219.72
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 26 from Line 25).....		516.39



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

July 7, 2009

Mary Lynn McKeown, as Treasurer  
Faulk for Congress  
1701 Hermann Drive, #2206  
Houston, TX 77004

C'00441840  
AF# 2037

Dear Ms. McKeown:

On March 31, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Faulk for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$300 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jill I. Sugarman". The signature is written in a cursive, flowing style.

Jill I. Sugarman  
Reviewing Analyst  
Office of Administrative Review

Attachment

29092643648



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2009 JUL 27 P 12: 39

July 27, 2009

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Robert A. Hickey *7.27.09*  
Staff Director

From: John D. Gibson *JDG*  
Chief Compliance Officer

Shawn Woodhead Werth *SWW*  
Reviewing Officer  
Office of Administrative Review

By: Jill Sugarman *JS*  
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 2037 – Faulk for Congress  
and Mary Lynn McKeown, as Treasurer (C00441840)

On March 31, 2009, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 30 Day Post-General Report and also made a preliminary determination that the civil money penalty was \$300 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 11, 2009, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated July 6, 2009 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$300 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

29092643649

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2037 involving Faulk for Congress and Mary Lynn McKeown, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2037 that Faulk for Congress and Mary Lynn McKeown, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$300; and
- (3) Send the appropriate letter.

29092643650

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 2037  
Faulk for Congress and Mary Lynn )  
McKeown, as Treasurer (C00441840) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby  
certify that on August 06, 2009, the Commission decided by a vote of 5-0 to take  
the following actions in AF 2037:

1. Adopt the Reviewing Officer recommendation for AF 2037 involving  
Faulk for Congress and Mary Lynn McKeown, as Treasurer, in making  
the final determination.
2. Make a final determination in AF 2037 that Faulk for Congress and  
Mary Lynn McKeown, as Treasurer, violated 2 U.S.C. § 434(a) and  
assess a civil money penalty of \$300.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, Petersen, Walther and Weintraub voted  
affirmatively for the decision. Commissioner McGahn II did not vote.

Attest:

August 6, 2009  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

29092643651



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 15, 2009

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mary Lynn McKeown, as Treasurer  
Faulk for Congress  
1701 Hermann Drive, #2206  
Houston, TX 77004

C00441840  
AF# 2037

Dear Ms. McKeown:

On March 31, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Faulk for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 30 Day Post-General Report. By letter dated April 6, 2009, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$300 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 11, 2009, the Office of Administrative Review received the written response from you and the Candidate challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Faulk for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$300 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on July 7, 2009.

On August 6, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Faulk for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$300. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

**If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

**If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Jill Sugarman on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Steven T. Walther  
Chairman

Attachment

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## **ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$300 for the 2008 30 Day Post-General Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

### **PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

### **PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

-----

FOR: Faulk for Congress

FEC ID#: C00441840

AF#: 2037

PAYMENT AMOUNT DUE: \$300



FOR: Faulk for Congress ✓

FEC ID#: C00441840 ✓

AF#: 2037 ✓

PAYMENT AMOUNT DUE: \$300 ✓

10-20

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000030000 BA# 1 10-26-09 20 3



us bancorp.  
The New Standard in Banking

MARY LYNN MCKEOWN		25-1054-1130	1746
[REDACTED]		10/16/09	
P.O. # [REDACTED]			\$300.00
THREE HUNDRED AND 00/100			
COMPASS BANK HOUSTON, TEXAS			
C00 441840 AF 2037		Mary Lynn McKeeown	
[REDACTED]			



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # AF 2037

DATE SCANNED 11-27-09

SCANNER NO. 1

SCAN OPERATOR JmW

29092643656